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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/939,498	08/24/2001	Vivek Subramanian	10519/30	3758	
757 7	7590 07/15/2002				
BRINKS HOFER GILSON & LIONE			EXAM	EXAMINER	
P.O. BOX 10395 CHICAGO, IL 60610			VU, DAVID		
			ART UNIT	PAPER NUMBER	
			2818	_	
			DATE MAILED: 07/15/2002	DATE MAILED: 07/15/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary Examiner							
Examiner DAVID VU 2818	•		Applicati n No.	Applicant(s)			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply seedled above is list short birty (30) days, a reply within the statisticy minimum of thinty (30) days, and is listed to the period of reply seedled above is listed both birty (30) days, a reply within the statisticy minimum of thinty (30) days, and seedled of the period for reply seedled above is listed both birty (30) days, as reply within the statisticy minimum of thinty (30) days, and seedled of the standard period will apply and will explore (30) MONTHS from the mailing date of this communication. If the period for reply seedled above is listed than these months after the mailing date of this communication, even if timely field, may recise day. Any reply received by the Office later than these months after the mailing date of this communication, even if timely field, may recise day. Status Status Status Status Status A Seponsive to communication(s) field on 21 June 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) Starte allowed. Application Papers 9) The proposed drawing correction field on starte and the proposed drawing correction field on starte and the proposed drawing correction field on starte and the proposed drawing correction field on starte	Offic Action Summary		09/939,498	SUBRAMANIAN ET AL.			
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B) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) 🔲 Notice	of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Pa				

DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, claims 95-100 and 107-115: A process for fabricating a state change element in a 3-D semiconductor memory device.

Species II, claims 101-106: A process for fabricating a memory cell comprising forming a steering element.

The inventions are distinct, each from the other because:

Species I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Species I is not required for Species II restriction for examination purposes as indicated is proper.

Application/Control Number: 09/939,498

Art Unit: 2818

Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02 (a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

- 2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17 (h).
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (703) 305-0391. The examiner can normally be reached on Monday-Friday from 7:30 AM 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms, can be reached on (703)-308-4910. The fax phone number for this Group is (703)-308-7722.

Art Unit: 2818

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

DV

David Vu

HOAI HO PRIMARY EXAMINER